



## CITY OF SOMERVILLE, MASSACHUSETTS LAW DEPARTMENT

January 12, 2022

John Mostyn, Esq., General Counsel  
Corcoran Jennison  
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Re: Cobble Hill Apartments – Cease and Desist

Dear Mr. Mostyn,

As you know, the Somerville Redevelopment Authority (“SRA”), pursuant to a Demonstration Project Plan (“Plan”), acquired by eminent domain the property at 90 Washington Street, to eliminate the blight created when Corcoran Jennison’s development goals for the site stalled due to an ongoing dispute between the partners.

The Demonstration Project Plan, which was extensively discussed during multiple meetings of both the SRA and the Somerville City Council over a period of months, including meetings at which your eminent domain counsel spoke, envisioned that the City would construct a new public safety building on part of the property, with the remainder of the parcel to be developed after a public process. The Plan, and the SRA’s exercise of eminent domain pursuant to that Plan, was then challenged in court by your client and ultimately argued before the Supreme Judicial Court (“SJC”). The SJC held that the SRA’s exercise of eminent domain under the Plan was lawful and appropriate, and that the Plan was a valid demonstration project. Cobble Hill Center LLC v. Somerville Redevelopment Authority, 487 Mass. 249 at 262-63 (2021)(“SJC Decision”). As you are also aware, the case is now in the damages phase, to determine whether the *pro tanto* amount paid by the SRA was sufficient.

In August, City staff met with you and Karen O’Rourke in order to coordinate potential construction disruptions to your client’s property at 84 Washington Street, the Cobble Hill Apartments. These disruptions will arise because of Corcoran Jennison’s 2013 subdivision of the property: a subdivision which severed the parking lot, rear access, an outbuilding, and wooded area from 84 Washington and added it to the newly created 90 Washington Street parcel. While the Corcoran Jennison 2013 plan intended to replicate parking on the 84 Washington Street lot that remains, this work was never begun.



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In addition, there are presumed elements including site lighting and irrigation controls that will require coordination between Corcoran Jennison and the SRA, as abutting property owners. To be clear: through your client's own actions, the SRA now owns land that the residents and management of Cobble Hill Apartments have become accustomed to using and in some cases appear to have assumed belonged to the housing complex, but these areas have not actually been part of the parcel of land at 84 Washington since 2013.

Rather than working with the City to minimize disruption, the management of Cobble Hill Apartments has refused to meet with City staff and has also prevented City staff from reaching out to the residents to discuss their concerns. We have also received complaints from elected officials barred or dissuaded from entry after years of regular access to support these city residents. Somerville has always incorporated robust conversations with adjacent residents when undertaking construction projects. The management of Cobble Hill Apartments has been specifically and vigilantly thwarting efforts by City staff to engage with these residents.

Furthermore, Corcoran Jennison's employees are actively engaging in a disinformation campaign, preying upon the fears of the senior citizens who live in the complex and effectively reinforcing the "shut in" feelings they already harbor. For example, a recent letter writing campaign from the residents reveals their mistaken belief that the City has "taken away" their parking, trees and dumpster area. In reality, your client's subdivision took away these areas; your client's staff has apparently neglected to disclose this important detail. Your client's 2013 development project intended to use the parking area for its new development, a detail that has not been explained to current residents. Moreover, your client's 2013 development project intended to remove all of the trees and replace them with a new road and parking lot, which has also not been explained by your client to current residents.

It is also my understanding that your client's employees have been subjecting the elderly residents to recordings of sirens at high volume, despite the new public safety building being designed to minimize siren impacts on residents. This misinformation campaign has obviously led to some residents feeling distressed by the situation, as observed by City staff at the Ralph and Jenny Center on Wednesday, December 8, 2021. At this meeting, residents repeated inaccurate information about sirens, fire truck operations, police department operations, all of which they shared were explained to them by Mr. Miles Byrne of Corcoran Jennison. City staff has learned that Mr. Byrne has held meetings with the residents where he has presented this inaccurate information as fact, all the while refusing to allow City staff to attend meetings and set the record straight and allow our seniors to form independent opinions based on fact. These attempts at fearmongering among these vulnerable individuals, who in some cases may fear for their housing if they oppose management, is despicable.

In summary, your client's repeated refusals to engage with City staff; your client's sabotage of outreach efforts by City staff to senior residents; and your client's active disinformation campaign are underhanded attempts to derail the construction of a sorely needed public safety building in contravention of the lengthy public discussion, consideration, and duly authorized actions of the SRA and the City Council, as well as the SJC Decision.

Accordingly, this letter shall serve as notice for your client and its employees to immediately cease and desist from:

- 1) Preventing City staff from engaging with the residents of Cobble Hill Apartments and thus denying these Somerville residents unfettered opportunities to participate in civic discussion;
- 2) Engaging in a disinformation campaign among the elders of the Cobble Hill Apartments with the goal of preventing the lawful development of the 90 Washington site, in contravention of the Plan and SJC decision.

The City remains committed to working cooperatively with your client; indeed, because of the ramifications of your client's subdivision, such cooperation will be necessary, especially to manage construction disruptions.

Sincerely,



Eileen M. McGettigan  
Special Counsel

Cc: Mayor Katjana Ballantyne  
City Councilors  
G. Proakis, Executive Director, OSPCD  
R. Raiche, Director, IAM  
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